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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/902,901

07/10/2001

Nicholas Luke Bennett

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EXAMINER

HSU, RYAN

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

07/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Notice of Allowability**

Application No.

09/902,901

Examiner

RYAN HSU

Applicant(s)

BENNETT ET AL.

Art Unit

3714

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/13/08.
2. ☒ The allowed claim(s) is/are 26-28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☒ None of the:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>6/13/08</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                  | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

In response to the Request for Continued Examination (RCE) under 37 CFR 1.114 filed on 6/18/08.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 6/18/08 has been entered.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 6/13/08 was filed after the mailing date of the Notice of Allowance on 4/18/08. The applicant has submitted an Request for Continued Examination (RCE) under 37 CFR 1.114 filed on 6/18/08. Therefore submission is in compliance. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

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It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- In claim 26, line 2, replace "the control means" with - - the game control means - -.
- In claim 26, line 8, replace "subgames" with - - sub-games - - .
- In claim 26, line 11, replace "subgames" with - - sub-games - - .

Authorization for this examiner's amendment was given in a telephone interview with Christopher N. George (Reg. No. 51,728) on January 30, 2008.

### **Reasons For Allowance**

The following is an examiner's statement of reasons for allowance:

The instant invention is deemed to be an unobvious improvement over the cited prior art. The improvement is made on an electronic gaming console having a credit means, reward means, game control means, display means, and player input controls. The gaming console has a game control means being responsive to the credit means and the player input controls to play a game

which is displayed on the display means and in a winning event occurs, a player is awarded by the reward means. Additionally, the gaming console is characterized in that the game provides a video display, for displaying a game image of a hybrid game comprising two different sub-games played simultaneously. The two types of sub-games in the instant invention is a video display comprising images of one or more rotatable reels in a spinning reel game and the second is a game image that is displayed on the video display comprising a labyrinth of pins or pins and holes of a pin and ball game. The game console also incorporates the feature of a player input control that allows the players to initiate the motion of one or more rotatable reels in the first sub-game and to control one or more ball images of the second sub-game on the display. The game rewards players on the occurrence of an event where one or more of the reels and one or more of the ball images come to rest in predetermined prize winning locations so as the outcomes of the two separate games create a winning event.

In particular Sines et al., the closest prior art of record, teaches two types of sub-games. These two games are played in the same description as the claims above including displaying a number of prize zones in a pin and ball game and each zone offering at least one bonus feature or prize or the number and position of the prize zones is variable from game to game and also incorporates the ability for the player to select which prize zones are selectable and allowing the size of the bet to be wagered by the player on a particular game change the number and position of the prize zones that are selected. However, the prior art of record is silent to the limitation of the prize zone targets moving during the game. This feature as taught in the instant application would provide a level of excitement to the reel/pachinko (pin and ball) game machine as taught by Sines, because a player has a more difficult time of ascertaining where a prize zone will be

when a ball is released. This feature therefore adds an added step of complexity to the reel/pachinko game that is not obviated by the prior art of record. Therefore the current prior art of record does not disclose, teach or fairly suggest this patentable feature, and the claims of the instant invention appear to be directed towards a distinct improvement over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714

RH  
July 7, 2008